

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:03CR53

UNITED STATES OF AMERICA)

)

)

VS.

)

ORDER

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)

DONALD CALVIN MALONE)

)

THIS MATTER is before the Court on the Government's motion for an order "directing the North Carolina Department of Transportation, Division of Motor Vehicles ("DMV"), to issue a title certificate to a 1998 Lexus LX470 automobile . . . in the name of 'Tri-M Motorcars.'"

The representations made in the motion are to the effect that Michael Baheri obtained possession of the vehicle in March 2005 but since that time has not obtained title to the vehicle through the North Carolina DMV. That is a matter between Mr. Baheri and the DMV; it is not a matter in which this Court has any involvement. ***Public Serv. Comm'n v. Wycoff Co.*, 344 U.S. 237, 247 (1952)** ("Anticipatory judgments by a federal court to frustrate action by a state agency is even less tolerable to our federalism [than federal

interference with state courts].”). Mr. Baheri, who has been represented by counsel in this matter, should seek advice of counsel.

IT IS, THEREFORE, ORDERED that the Government’s motion for a supplemental order is hereby **DENIED**.

Signed: November 5, 2005

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

